FOR MYSORE STATE

Passed
Pm 4

-27-80.006-4-1-52.

Home (195 3) Department.

M/s SERIES.

G.O. NO. 1075

Dated 1/4/1953 This is the ...

[Despatch Abstract.]

ARMS ACT AND RULES - South Kanara District - Revolver acquired in 1943 - Payment of compensation to Sri.U.S Nayak - Ordered.

Endt. X.N. Dis. No. 2830/52

Governor's Secretariat,
Raj Bhavan, Guindy
Dated : 25th July 1952

Transferred to the Secretary to Government, Home Department, Madras 9, for disposal. The communication has been acknowledged.

(By order of the Governor)

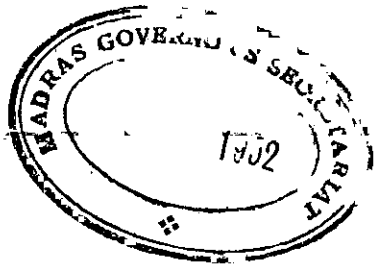
137482

for SECRETARY TO THE GOVERNOR.

From

U. S. Nayak,
Chairman,
Udipi Municipality,
U D I P I.

Udipi,
19th July 1952.



To

His Excellency,
The Governor of Madras,
M A D R A S.

Your Excellency,

In G. O. No. R. 469 Home dated 18- 2-1948, I have been granted a Compensation of Rs. 20/- for acquiring my revolver. The amount sanctioned is not enough even to purchase cartridges. May I request your Excellency to grant me reasonable compensation for purchase of a revolver or in the alternative to return my own revolver.

Praying to be excused.

Your Excellency's Loyal Subject,

(Pangal Upendra Shrinivas Nayak.)

Endt. No. 13/482/P+SIU/52-1

Home (P+SIU) Dept
Dated 5/8/52

Referred to The Collector, South Kanara, for remarks before 4-9-1952

4/8/52

The Collr.,
S. Kanara,
Mangalore
(with copy of p3c)
R.D. 5-9-52

2. Rec'd
8/69

Ref C2. 5810/52

S.K.Dt.Magistrate's office,
Mangalore dated 13-9-1952.

From
Sri C.A.Ramakrishnan I.C.S.
District Magistrate of South Kanara,
Manghore

To

The Secretary to Government,
Home Department,
Fort St.George,
Madras.

170949

Sir,

A'MS ACT AND RULES: South Kanara District. Payment of Compensation to Sri U.S.Nayak, Chairman Udipi Municipality-

Ref:Govt endt.No. 13782 137482 Prisons IV/52-1 dated 5-8-52 and the exchange reminder dated 8-9-1952.

P 3 auth

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The report called for from the Tahsildar Udipi has not been received. He has been directed to expedite his report without any further delay. I request that I may be granted time till the end of this month to submit my report in the matter.

Yours faithfully,

For ~~Collector~~ Dt. Magistrate

(C.No 137482/Pris W/52) Home D
Submitted for perusal.
NRD 5-10-52
22/9/52 22/9/52 23/9

mv 15-9-

M.L.Dis.5810/52.

S.Kanara Dt.Magistrate's office,
Mangalore dated 24.9.52.

From

SRI C.A.RAMAKRISHNA, I.C.S.
Dt.Magistrate of S.Kanara.

To

The Secretary to Government
Home Department,
Fort St. George, Madras 9.

Sir,

ARMS ACT AND RULES: South Kanara district--payment of compensation to Sri U.S.Nayak chairman Udipi Municipality--remarks--submitted.

ASSISTANT SECRETARY TO GOVERNMENT
21 OCT 1952
HOME DEPARTMENT

ref: Government endorsement No.187282 Prisons IV/52-1 dated 5.8.52.

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Sri U.S.Nayak chairman Udipi Municipality was a holder of licence No.Udipi 115/1-XVI for a revolver. The licence held by him was cancelled in 1941 as he was convicted under the D.O.(I) rules for offering Satyagraha.

2. The revolver and the ammunitions pertaining to it were acquired by Government (vide confdl. memo No.27828A-24 dated 17.6.43 of the Government of India) and sent to the Commissioner of police Madras through the Dt.Superintendent of police Salem for despatch to the Ferozepore Arsenal on 27.9.43.

3. The value of the acquired weapon was fixed originally by the Dt.Superintendent of police S.Kanara at Rs.20/- which was sanctioned in G.O.No.P.469 dated 18.2.48 and the amount was paid to him.

4. Now the licensee states that the compensation paid to them for acquiring his revolver is too meagre and is not even sufficient to purchase the cartridges, and hence he requests to revise the Government order and grant him at least Rs.300/- as compensation for the said revolver.

5. The revolver was acquired in 1941 and the value of the weapon was fixed originally by the Dt.Superintendent of police S.Kanara at Rs.20/- which was presumably reasonable in 1941. It does not appear to be necessary that the compensation originally sanctioned as per G.O.No.P.469 dated 18.2.1948 should be revised at this length of time, merely because revolvers cost much more now. If the petitioner is given a concession other similar placed will also be entitled to similar concessions.

Yours faithfully,

For Dt.Magistrate.

176953

GIC/25.9.52.

F.No. 137482/Pr.W/52

Memo No. 137482 Pr W/52. 3 — Home Dept

Dated 24.11.1952

Arms Act and Rules — South Kanara district — Revolver acquired in 1943 — Payment of reasonable compensation to Sri U.S. Nayak.

Ref:— From the Collector of South Kanara letter No. M.L. Dis. 5210/52, dated 24-9-1952

The Collector of South Kanara is referred to para 2 of Memo. 27827/A-24, Home, dated 17-6-1943, according to which compensation for the revolver in question should have been paid to Sri U.S. Nayak at the then market rates. As the compensation of Rs. 20/- paid for the weapon is very low

(20)

The Collector is requested to report not later than 15-12-1952 ~~the amount of~~ what should be the reasonable ~~fair~~ compensation ~~payable to~~ for the revolver acquired from Sri Nayak. ~~considering the condition of the weapon at the time when it was acquired and the present existing market rate.~~ In this connection the Collr is referred to G.O.R. 2819 Home d 3.10.50 in which a similar case was disposed of

Vide orders overleaf

nf

The Collr. of South Kanara

R.D. 16-12-52

21/11/52 22/11/52 24/11/52

D.L.D. 4/12/52 A.L. 4/12/52

M.L.Dis.8973/52.

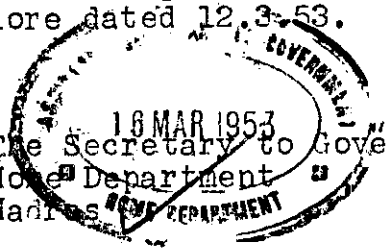
S.Kanara Dt.Magistrate's office
Mangalore dated 12.3.53.

From

SRI C.A.RAMAKRISHNAN,I.C.S.
Dt.Magistrate of South Kanara.

To

The Secretary to Government
Home Department
Madras.



Sir,

ARMS ACT AND RULES: South Kanara district--revolver acquired in 1943--payment of reasonable compensation to Sri U.S.Nayak--report submitted.

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P 9-10 cmte

1.Ref Home department Memo No.137482 police V.52-3 dated 24.11.52.
2.Report No.E1.25626/52 dated 20.2.53 from the Dt.Superintendent of police South Kanara.

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The District Superintendent of police South Kanara in his report cited 2nd above states that the records relating to the acquisition of the weapon in 1943 are not available in his office and as such the market value cannot be assessed now, as the conditions of the weapon when it was acquired in 1943 are not ascertainable.

2. The petitioner Sri U.S.Nayak in his letter dated 6.3.53 states that the revolver was bought in 1919 and that he has no particulars with regard to the make, number or price of the weapon.

3. As the revolver was purchased in 1919 it is likely to have been an old model. Considering that it would be about 34 years old now, allowance has to be made for depreciation and wear and tear. In view of the facts, the price may be fixed as in the case of a similar weapon fixed in G.O. 2819 dated 3.10.50. A sum of Rs.100/- may be fixed as a round sum in this case and compensation awarded accordingly.

P 15 of (8)

There are no data to fix any other amount.

Yours faithfully,

5589/
17.3.53

For Dt.Magistrate.

TC/12.3.53.

C 137482/52.

24
1/4

P 2-L of (W)
P 3 cf
P 7+11 cf

P 3 cf of (W)

P 3 cf of (W)

HOME DEPARTMENT.

G.O.Ms.No. 1075 dated 1.4.53.

ARMS ACT AND RULES - South Kanara district - Revolver acquired in 1943 - Payment of compensation to Sri U.S. Nayak - Ordered.

Read: (1) G.O.R.No. 469, Home, dated 18-2-1948.
(2) Petition from Sri U.S. Nayak, Chairman, Udipi Municipality, Udipi dated 19-7-1952.
(3) Letters from the Collector of South Kanara No. M.L.Dis. 5810/52 dated 24-9-1952 and No. M.L.Dis. 8973/52 dated 12-3-1953.

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ORDER.

In modification of G.O.No.R. 469, Home, dated 18-2-1948, the Government sanction the payment of a compensation of Rs. 100/- (Rupees hundred only) to Sri U.S. Nayak, Chairman, Udipi Municipality as compensation for his revolver which was acquired by Government under the Defence of India Rules in 1943. As Sri U.S. Nayak has already been paid a compensation of Rs. 20/- for the revolver with reference to G.O.No. 469, Home, dated 18-2-1948, the Collector of South Kanara is requested to draw and pay to him only the balance of Rs. 80/- (Rupees eighty only).

14

2. The expenditure should be debited to "29. Police - Clothing, Arms and Equipment"

21/3/53 14 21/3/53

23.3.53

5nd 2/4/53

To
The Collector of South Kanara.
The A.G., Madras, thro' the Finance Dept.
Copy to Sri U.S. Nayak, Chairman, Udipi Municipality, Udipi.

Copy for S.F.

Added

137482/Pro IV/52

HOME DEPARTMENT.

Arms Act and Rules - South Kanara Dt. - Revolver acquired in 1943 - Payment of a reasonable compensation to Sri U.S. Nayak or return of his revolver - Petition.

Petition d/19.7.1952 from Sri U.S. Nayak, South Kanara. (Issued as Endt. No. 137482 Pr.IV/52-1, d/5.8.52.) From the Collr. of South Kanara, letter No. M.L.Dis.5810 52, d/24.9.52.

Sri U.S. Nayak of Udipi requests that a reasonable compensation may be granted to him for his revolver acquired by Govt. to enable him to purchase a revolver or to return his revolver as the compensation of Rs.20/- granted to him in G.O. R. No. 469, Home, d/18.2.48 is not enough to purchase cartridges.

2. The Collr. of South Kanara who has been consulted in the matter has reported that the licence for a revolver held by Sri U.S. Nayak, Chairman, Udipi Municipality, was cancelled in 1941, as he was convicted under the Defence of India Rules for offering satyagraha; that the revolver and its ammunition were acquired by Govt. with reference to Confdl. Memo. No. 27828-A-24, d/17.6.1943 and sent to the Commr. of Police, Madras through the D.S.P., Salem for despatch to Ferozepore arsenal on 27.9.1943 and that the value of the acquired weapon was fixed originally by the D.S.P., South Kanara at Rs.20/- which was sanctioned in G.O.R.No. 469, Home, d/18.2.1948 and the amount paid to him. The Collr. has further reported that now the licensee states that the compensation paid for his revolver is too meagre and is not even sufficient to purchase cartridges and that therefore he requests to grant him at least Rs.300/- as compensation for the revolver. As the revolver was acquired in 1941 and as the value of the weapon was fixed originally by the D.S.P., South Kanara at Rs.20/- which was presumably reasonable in 1941, the Collr. considers that it does not appear to be necessary that the compensation originally granted should be revised at

this length of time merely because revolvers cost much more now and that if the petitioner is shown a concession others similarly placed will also be entitled to similar concessions.

In Confdl. Memo. No. 27827-A-24, Home, d/17.6.43, D.Ms. and the Commr. of Police were directed to acquire under the Defence of India Rules revolvers and pistols of certain specified bores together with all ammunition which would match those weapons, which had already been requisitioned, to be despatched to Ferozepore Arsenal and also to pay compensation without delay for the weapons and ammunition so acquired in accordance with the market rates As no compensation was paid by the D.M., South Kanara for the revolver ~~and as the claim was belated~~, the D.M. recommended in 1948 that a compensation of Rs.20/- ~~may~~ might originally be paid to Sri Nayak and this amount was sanctioned in G.O.R. 469, Home, d/18.2.1948. It may however be mentioned that in connection with the representation made by Sri Kunhappa of South Kanara Dt. for the payment of compensation for his revolver acquired under almost similar circumstances, Secretary noted that the compensation of Rs.15/- fixed by the Collr. of South Kanara was absurdly low. Secy. also noted that compensation should also be paid to Sri Kunhappa for the S.B.B.L. gun brought to deposit under a bonafide mistake and subsequently sold to another ~~petitioner~~ licensee

The Collr. was then asked to report the amount of fair compensation payable to Sri Kunnappa considering the condition of the weapons at that time when they were disposed of by the Govt. and the then existing market rates. The Collr. then reported that a sum of Rs.105/- may be fixed as compensation for the revolver and that a sum of Rs.82-8-0 may be paid as compensation for the gun which was brought to deposit

(X)

P.1-3 of (W)

(W)

P 1-3 of G.O.Rt 2819, dated 3-10-50 (Y)

vide marginal notes on p 2 of (Y)

— do — (Y)

B

P.11 of (Y)

P 13 of (Z)

by mistake. A total amount of Rs.187-8-0 was sanctioned as compensation for the two weapons in G.O.R. No. 2819, Home, d/3.10.50.

P15 of 7 (W)

In the circumstances, it is for orders -

(1) whether the payment of Rs.20/- in this case as compensation for revolver will be considered as very low and the Collr. asked to report the amount of fair compensation payable to Sri U.S. Nayak considering the condition of the weapon at the time when it was acquired and the then existing market rate; or

A

B! will he be able to say it now? It was serviceable in 1943 only

(2) whether the recommendations of the Collr. that no revision in the amount of the compensation is necessary for the reasons stated in para 5 of his letter on p./ c.r. will be accepted.

If it is proposed to grant enhanced compensation to Sri Nayak, Finance may see.

27/10/52

27/10/52

EL c orders obtained — Vide routine order at attached pg

'A' above: This case stands on an almost similar footing ~~because~~ as that referred to at B and 2 ante because (i) the revolver of Sri Kunhappa was acquired towards the end of 1942 while that of Sri Nayak in this case was acquired in June 1943;

Para 4 on p 9 of 7 (4)

P 1 of 7 (W)

(ii) the compensation of Rs.20/- fixed for the revolver of Sri Nayak was sanctioned by Govt. in February 1948;

P 3 of 7 (W)

(iii) as the revolvers in both the cases were acquired by Govt. for use in both cases, it may be presumed that they were in serviceable condition.

P 9 of 7 (4)

The compensation for Sri Kunhappa's revolver was first fixed at Rs.15/- and the Govt. considered that it was ridiculously low and sanctioned a compensation of Rs.105/- in G.O. No. 2819, Home,

P 11 & 15 of 7 (4)

dated 3.10.50. Considering the above facts, there seems to be a case for enhanced compensation in the present case also.

For orders. Finance should see.

Sri U.S. Nayak

The notes from plaints may be perused. Plaints may also that the Dt. Registrar, South Kanara may be asked to state what would be the reasonable compensation for the verandah acquired from Sri U.S. Nayak.

Home

Sri no. 80563 (B-1)
13.11.52

Home Dept

Please see the notes of this Dept from plaints and the notes of finance following Finance have agreed with this Dept's proposal suggestion to ask the D.M. South Kanara to state what would be the reasonable compensation for the verandah acquired from Sri Nayak.

With reference to A.D.S' query at 'B' on p.3 ante, whether it is submitted that as the D.M. South Kanara has been able in 1950 to report the amount of fair compensation

Vide p 11+13 of file no. RT. 2819, dated 3-10-50

(R)

payable to Sri Kunhappa for his revolver acquired in 1942, it is presumed that the D.M. will be able to furnish similar proof material in this case also.

Subject to orders, draft submitted herewith is for approval

21/11/52 22/11/52

24/11/52

P9-10 C Issued as memo No. 137482/Pris IV/52-3, dated 24-11-52]

P11 From the Collector of South Kanara, letter No. M.L.Dis. 8973/52, dated 12-3-1953.

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P3 This file deals with the request of one Sri U.S. Nayak of Udipi, South Kanara, that a reasonable compensation may be granted to him for his revolver acquired by Government to enable him to purchase a revolver or to return his revolver as the compensation of Rs. 20/- granted to him in G.O.R.No. 469, Home, dated 18-2-1948 is not enough even to purchase cartridges.

P3 of (W)

P3 P7

The Collector of South Kanara who was consulted in the matter reported that the licence for a revolver held by Sri Nayak was cancelled in 1941 as he was convicted under the Defence of India Rules for offering satyagraha, that the revolver and its ammunition were acquired by Government with reference to Confidential Memo. No. 22828-A-24, dated 17-6-43 and sent to the Commissioner of Police, Madras, through the D.S.P., Salem, for despatch to Ferozepore Arsenal on 27-9-43 and that the value of the acquired weapon was fixed originally by the D.S.P., South Kanara at Rs. 20/- which was sanctioned in G.O.R.No. 469, Home, dated 18-2-1948 and the amount paid to him. The Collector further reported that now the licensee states that the compensation paid for his revolver is too meagre and is not even sufficient to purchase cartridges and that therefore he requests that he may be granted atleast Rs. 300/- as compensation for his revolver. As the revolver

Extract at (X) P7

P3 of (W) P7

was acquired in 1941 and as the value of the weapon was fixed originally by the D.S.P., South Kanara at Rs. 20/- which was presumably reasonable in 1941, the Collector considered that it did not appear necessary that the compensation originally granted should be revised at this length of time merely because revolvers cost much more now and that if the petitioner was shown a concession others similarly placed would also be entitled to similar concessions. P7 of

In connection with the representation made in 1949 by one Sri Kunhappa of South Kanara for payment of reasonable compensation for his revolver acquired under almost similar circumstances and for which a compensation of Rs. 15/- was ~~first paid to him~~ fixed in 1941, Govt. considered that the compensation ~~paid~~ was ridiculously low and sanctioned the payment of further compensation of Rs. 105/- in G.O.R.No. 2819, Home, dated 3-10-1950. P1-3 of of 40 Rt 2819, Home, dated 3-10-50 (4) P11 of of (4) P15 of of (4)

As the claim of Sri Nayak for payment of enhanced compensation for his revolver stood on an almost similar footing with that of Sri Kunhappa mentioned above, this Dept. considered that the compensation of Rs. 20/- paid to Sri Nayak for his revolver was very low and that there was a case for enhanced compensation. Finance also agreed. The Collector of South Kanara was therefore asked to report what would be the reasonable compensation for the revolver. He was also referred to G.O.R.No. 2819, Home, dated 8-10-1950 in which a similar case was disposed of. P3-4 ante P.4 ante P 9-10 of P.15 of of (4)

The Collector has reported that the compensation may be fixed at a round sum of Rs. 100/- as in the case of a similar weapon fixed in G.O.Ms.No. 2819, Home, dated 3-10-1950. Since the petitioner was already paid a sum of Rs. 20/- as compensation for the weapon in G.O.R.No. 469, Home dated 18-2-1948 it is for orders whether the balance of Rs. 80/- may be paid to him. P.11 of P15 of of (4) P 3 of of (W)

Subject to orders, a draft order is submitted for approval. With reference to Memo. No. 91714-Exp.A/52-1, (R)

contd.

dated 2-3-1953, orders involving payment at muffassal treasuries by 31-3-1953 are not to be issued after 15-3-53. The draft order may therefore issue after 1-4-1953. Finance may see for remarks.

Hmd 21/3/53 Ju 21/3/53.

AJ 23.3.1953

D/S

24/3/53

FIN.

Fin (Exps)

(Previous Finance action refers)

The draft order enclosed may be accepted.

26/3/53 Home Deptt

Home Deptt O.O. 137482/52/4 24.3.53

2465 EM 25 MAR 1953 FINANCE DEPARTMENT

MR 26/3/53 MR 26.3.53

Home Deptt

No 2465 EM/53 30.3.53

30 MAR 1953 6719 GOVERNMENT

The typed notes from p.5 ante, which summarised the case, may be read. Finance have accepted the draft order which may now issue

Hmd 31/3/53-Ju 31/3/53.

AJ 31.3.1953

Issued as G.O.R.1075, dated 1-4-53